IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 6 OF 2006

Shri Ulhas Soma
Dhargalkar, Guirim,
Bardez Goa. ... Petitioner

versus

State of Goa and another. ... Respondents

Mr. P. A. Kholkar, Advocate for the Petitioner.

CORAM : N. A. BRITTO, J.

DATE : 3RD MARCH, 2006.

P.C.:-

Heard Mr. P. A. Kholkar, the learned Counsel on behalf of the petitioner. The petitioner was a surety for accused in Special Criminal Case No.5/2001. The petitioner's surety bond has been forfeited and the amount due thereon is sought to be recovered by the learned Special Judge by virtue of the Order dated 30-11-2005. Against the said Order, the petitioner has invoked extraordinary jurisdiction of this Court both under Article 227 of the Constitution of India as well as Section 482 of the Code of Criminal Procedure, 1973 when adequate

efficacious remedy is available to the petitioner under other relevant provisions of the Code.

In the light of the above, Mr. Kholkar seeks leave to withdraw the petition with liberty to file an appeal. Petition dismissed as withdrawn. The petitioner is at liberty to file the appeal which is the remedy available to him under the said Code.

N. A. BRITTO, J.

RD